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NOV 17 1989

"COPYRIGHT ROYALTY TRIBUNAL"

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BEFORE THE
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

(ORIGINAL)

NOV 17 1989

In the Matter of
Distribution of 1987
Cable Royalty Fund

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Docket No. CRT-89-2087CD

REBUTTAL CASE
OF THE SETTLING DEVOTIONAL CLAIMANTS

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November 17, 1989

Mario F. Aguero, Acting Chairman
Copyright Royalty Tribunal, Room 450
1111 20th Street, N.W.
Washington, D.C. 20036

Re: CRT Docket No. 89-2-87CD

Dear Chairman Aguero:

Transmitted herewith to the Tribunal are one (1) original and five (5) copies of the "Rebuttal Case of the Settling Devotional Claimants" in the Phase II Devotional case.

If you have any questions regarding this filing, please do not hesitate to contact the undersigned.

Very truly yours,


Barry H. Gottfried

BHG/wp
Enclosure
2050-023

REBUTTAL TESTIMONY OF DAVID W. CLARK

In my direct testimony to the Tribunal, I showed that the "starting point" for any award in this proceeding based on the study repeatedly used by the Tribunal in Phase II, the "Special Nielsen Study," is 100% to the Settling Devotional Claimants and 0% to Christian Television Corporation, Inc. ("CTC"). I acknowledged, however, that CTC's devotional programs were carried on distant signals in 1987 by an insignificant number of small cable systems. I proposed a nominal award to CTC of, say, \$100, to reflect CTC's insignificant portion of the total universe of syndicated devotional programs viewed on distant signals.

On the basis of the data presented by CTC in its direct testimony, we see no reason for modifying our view that CTC is entitled to only a nominal award.

In summarizing the basis for CTC's claim for fifteen percent (15%) of the devotional royalties, Mr. Kennedy stated:

[CTC] would receive an award of fees generated, or a percentage of that, which would be roughly 4.5 or 5 percent... of the total fees generated.... Then there is the unclaimed portion of the fund.... [CTC would get] roughly 5 percent for unclaimed funds, and then another 5 percent for each of the five criteria, is what we're basing our claim on. (Tr. 224-226.)

In my rebuttal testimony, I want to show that none of Mr. Kennedy's claims has any merit -- CTC has not shown entitlement to more than a nominal share of the Devotional royalties.

CTC's Claim Based on Fee Generation

The first element of CTC's claim is based on a time-based "fee generation" analysis. The Tribunal has repeatedly rejected using such an analysis as the basis for an award. In its 1983 proceeding, for example, the Tribunal held: "We again reject any time-based formula, for, as we have said, they only serve to distort any marketplace analysis." 51 Fed. Reg. 12813 (emphasis supplied). CTC has not presented any evidence to show that the CRT was wrong to reject a "time-based" formula.

Moreover, assuming for the sake of argument that the Tribunal were to reverse itself, the Larson data on which CTC bases its claim does not provide any basis for the Tribunal to make a time-based "fee generation" award to the respective claimants. I understand that in cross-examination, counsel for the Settling Devotional Claimants showed that there were grave problems in the accuracy of the Larson data used by CTC. Because of these inaccuracies, the Tribunal could not rely on the data to make a time-based "fee generation" award. I want to focus on a different problem with CTC's "analysis," however -- even if it were accurate it would be useless to the Tribunal because it shows nothing about the relative value of CTC's programs and the programs of the Settling Devotional Claimants.

CTC has concocted a "statistic" purporting to show that the Larson report justifies a 5% award. The "statistic" is that CTC's programs generated 5.65% of the royalties that were generated by the cable systems which actually carried CTC's

programming in 1987. This is a total non sequitor -- this "statistic" has absolutely no bearing on the relative value of the various claimants' programs and is useless in arriving at a determination concerning the relative value of programming. The systems which carried CTC's programs represent a small fraction of the total universe of systems which carried devotional programs in 1987. Therefore, the 5.65% "statistic" is meaningless when compared to the total universe.

In order to show graphically that CTC's "statistic" is totally irrelevant, I would ask the Tribunal to focus on two hypothetical stations, WXXX and KYYY. Suppose that 90% of the programs broadcast by WXXX (measured by time) are syndicated devotional programming produced by that station. Suppose further that WXXX is carried as a distant signal by one cable system, Acme Cable, and that Acme Cable carries one distant signal, WXXX. Then the figure for WXXX comparable to the 5.65% figure used by CTC would be 90% -- WXXX's devotional programs generate 90% of the royalties that are generated by the cable systems which actually carry WXXX. (A table for WXXX parallel to CTC's Exhibit 6 (from which the 5.65% statistic is derived) is included in this case as Settling Devotional Exhibit R-2.)

Now, assume that our other hypothetical station, KYYY, also has programming fare which is 90% station-produced devotional programming, measured by time. KYYY is also carried as a distant signal by one cable system, Beta Cable, which carries one distant signal, KYYY. The figure for KYYY comparable to the 5.65% figure for CTC would also be 90% -- KYYY's devotional programs generate

90% of the royalties that are generated by the cable systems which actually carry KYYY! (A table for KYYY parallel to CTC's Exhibit 6 is included in this case as Settling Devotional Exhibit R-3.)

Does this mean that WXXX should get 90% of the Devotional royalties and KYYY should also get 90% of the Devotional royalties? This is obviously nonsensical and shows graphically why CTC's figure is useless -- it has nothing whatsoever to do with the relative marketplace value of each claimant's programs.

To further illustrate that CTC's "statistic" is useless, we can assume that in 1987 Acme Cable paid only \$28 in royalties while Beta Cable paid \$10,000. Under CTC's "analysis" this difference in fee generation becomes irrelevant! WXXX and KYYY would somehow be entitled to an equal percentage of the total royalties because each station is "responsible" for an equal percentage (90%) of the royalties generated by the systems on which it is carried: and this would be so even if WXXX were carried on systems paying a small fraction of the royalties paid by systems carrying KYYY. Similarly, CTC's analysis suggests that CTC would somehow be entitled to an equal percentage of the total royalties with any other claimant that was "responsible" for 5.65% of the royalties generated by the systems on which its programs were carried -- even if those systems generated \$100,000,000 in royalties!! This is a completely unacceptable conclusion and shows again that CTC's 5.65% statistic is useless as a measure of the relative value of various claimants' programs.

As a final step toward illustrating that the "statistic" used by CTC is meaningless, we can continue to suppose that Acme Cable generates \$28 in royalties and further assume that total Devotional royalties are \$1,390,000. Using CTC's "analysis," the fact that WXXX generates \$25.50 in royalties (90% of the total \$28 royalties generated by Acme Cable) would somehow translate into an entitlement to 90% of the entire royalty fund, or \$1,251,000. How does generation of \$25.20 entitle WXXX to \$1,251,000? It doesn't. The percentage of royalties on systems that actually carry a program has nothing to do with an entitlement to a percentage of the entire royalty fund. CTC's figure of 5.65% thus has nothing to do with a 5% entitlement -- or any particular entitlement -- to the entire fund. CTC has shown nothing about the relative value of its programs, compared to those of the Settling Devotional Claimants, and the Tribunal therefore has no useful information for its determination.

These hypothetical situations may appear somewhat unrealistic. But the lesson they teach is real and indeed crucial. In order for the Tribunal to make its awards, it must have a basis for comparing the marketplace value of CTC's programs with the marketplace value of programs produced by the Settling Devotional Claimants. CTC's 5.65% "statistic" has nothing whatsoever to do with such a comparison and should therefore be completely disregarded by the Tribunal.

A Comparison of Time-Based
Fee Generation

As I noted above, the Tribunal has repeatedly rejected time-based formulas, and CTC has not presented any evidence on the basis of which the CRT could now reverse itself. However, in an effort to present some comparative time-based data, the Settling Devotional Claimants have asked the Cable Data Corporation ("CDC") to perform an identical study of their programs as CDC performed for CTC. I understand that CDC's data may be gravely flawed and I do not recommend it to the Tribunal as a basis for its decision -- my goal here is only to give the Tribunal some sense of what a comparison might indicate. (One might say that what we have done is to "compare apples with apples" -- to show what a time-based comparison yields using imperfect data for all parties.)

The details of this study will be presented in the testimony of Christina Moldenhauer. The general results of the comparative study are as follows:

- Without any consideration of the programs of Oral Roberts, In Touch, Multimedia or the stations represented by NAB -- i.e. focusing only on CBN, Old-Time and Inspirational -- the Settling Devotional Claimants "generated" \$1,473,366.90 in 1987 royalties. If the programs of claimants with whom we have settled were included, this total would necessarily increase.

- If this total is compared to CTC's generation of \$13,073.55 (as re-calculated by Ms. Moldenhauer), then CTC would be responsible for .0088 (.88%) of the total devotional royalties

generated by CBN, Old Time, Inspirational and CTC together. This .88% figure would decrease if the programs of Oral Roberts, ITM, Multimedia, and the stations represented by NAB were also included in the study.

· If CTC's total fee generation is modified, as we believe is proper, to deduct fees attributable to carriage of WCLF by the Lakeland, Florida cable system -- fees that the cable system was unwilling to pay -- then CTC is responsible for .003568 (.36%) of the total devotional royalties generated by CBN, Old Time, PTL and CTC together. Again, this percentage would decrease if the programs of claimants such as Oral Roberts were included. CTC therefore generates something less than one half of one-percent (indeed less than .36%) of the royalties generated collectively by CBN, Old Time, PTL, Oral Roberts, ITM, Multimedia, the stations represented by NAB, and CTC.

· The study presented by CTC in its own direct case shows that none of the cable systems which carry stations on which CTC's program appear pay any 3.75 royalties. Using CTC's methodology, CTC is therefore entitled to \$0 in such royalties. By contrast, the data we obtained from CDC shows that CBN, Old Time and PTL programs generated more than \$320,000 in 3.75 royalties from carriage on just a small sample of five (5) stations.

Based on these comparative numbers, and using CTC's own time-based "fee generation" model, we therefore believe that the

Tribunal would need to award something less than the following amount to CTC:

0.36% of the Basic Devotional royalties
0% of the 3.75% Devotional royalties

Such an award would approach the nominal award that we originally proposed for CTC and fully justifies our view that CTC's programs are an "insignificant" portion of the total universe of syndicated devotional programs viewed on distant signals.

In summary, we still believe that the CRT should use the "starting point" it has repeatedly endorsed in the past, the "Special Nielsen Study." Based on that starting point, we still believe that the appropriate award to CTC is \$100, with the remainder of the Devotional royalties awarded to the Settling Devotional Claimants and those with whom they have reached confidential settlements. But even if the CRT were now to adopt a time-based "fee generation" model, CRT would be entitled to less than one-half of one percent of the basic fund, and to 0% of the 3.75 fund.

The "Unclaimed" Funds

CTC apparently claims an additional 5% of the royalties because there are "unclaimed" funds. This claim should be

summarily rejected: it is based on a radical misunderstanding about the Tribunal's task and procedure in a Phase II proceeding.

In the 1983 proceeding, the Tribunal held:

In Phase II, the Tribunal only attempts to appraise the relative worth of the works represented by the claimants before it. In making such an assessment, we eliminated from consideration the Nielsen data for unclaimed works, and arrived at a new "starting off point".... We then made our comparative analysis based on the entire record, as we have done in every distribution proceeding.

51 Fed. Reg. at 12817 (1986) (emphasis supplied). Thus, the task in this Phase II Devotional hearing is to appraise the relative worth of CTC as against the other copyright owners who have actually filed claims -- i.e. as against the Settling Devotional Claimants and those with whom they have reached confidential settlements. Once this appraisal of relative worth is made, the entire fund is then allocated according to the appraisal. There are no "additional" awards, to CTC or anyone else, because of "unclaimed" funds

Application of these principles to this Phase II Devotional proceeding yields the following result. The "Special Nielsen Study" shows that relative worth of CTC's programs is nominal, as compared with the collective worth of the programs of the Settling Devotional Claimants. CTC is therefore entitled to a nominal portion of the entire fund.

If the Tribunal were to adopt a time-based "fee generation" approach, then the relative worth of CTC's works, compared to the other works before the Tribunal, is something less than .36% of

the basic royalties, and 0% of the 3.75 royalties. CTC would therefore receive less than .36% of the entire basic fund and 0% of the entire 3.75 fund.

CTC is incorrect, under binding CRT precedents, to assert that it is entitled to an "additional" or "supplemental" award because of unclaimed funds. 51 Fed. Reg. at 12817 (1986). No claimant is entitled to such a "bonus" -- neither CTC, nor CBN, nor Old Time, nor Inspirational, nor Oral Roberts, nor Multi-media, nor ITM, nor any of the stations represented by NAB.

Funds for the Five Criteria

We are frankly mystified by CTC's argument that it should somehow get 1% of the funds for "each of the five criteria." The Tribunal has never allocated "points" or "awards" for making a showing under a particular criterion. Indeed, we do not see how the Tribunal could logically do so.

To illustrate graphically that CTC's approach must be rejected, we can return to our hypothetical producer of devotional programs, WXXX. No doubt WXXX's productions are high quality devotional programs. Does this mean that WXXX gets 1% of the fund for the "quality" criterion? What if there are hundreds of stations like WXXX and numerous producers like CTC? Does each get a 1% award for "quality?" More than 100% would be awarded for quality alone! The problem at essence is the same difficulty that arose with CTC's fee generation study -- CTC's approach does not permit the Tribunal to appraise the relative worth of the

works represented by the claimants before it and is therefore useless for the CRT's determination.

While discussing the criteria, I should comment briefly on CTC's claim that it suffers some special "harm" as the result of distant carriage of stations on which its programs appear. CTC argues that it suffers some peculiar "harm" resulting from "loss of revenues" which it could get from direct mailing to markets where it is carried as a distant signal. Insofar as I understand this argument, I believe it is meritless.^{1/}

In order to show graphically the flaws in CTC's argument, I want to return once again to our hypothetical producer of devotional programming, WXXX. WXXX is carried as a distant signal, the Tribunal will recall, on Acme Cable. Let us suppose that Acme Cable is located in White Sulphur Spring, West Virginia.

CTC's argument of "harm," as applied to Acme Cable, is that WXXX somehow suffers "harm" because it "cannot" do direct-mailing into White Sulphur Springs and therefore "loses" contributions from its residents. This makes no sense. First of all, WXXX is certainly in a better position to get contributions in White Sulphur Springs than it would be if WXXX could not be viewed there at all. Distant carriage into White Sulphur Springs is

^{1/} I understand that Ann K. Ford's testimony to the Tribunal in this rebuttal case will show that CTC suffers no harm from distant carriage of its programs -- not even the "loss of control" which other producers of devotional programs suffer. Indeed, I understand that Ms. Ford will testify that CTC has abandoned its copyrights by surrendering its programs to the public, and therefore is entitled to no award at all.

therefore a benefit to WXXX -- it gets more contributions than it would otherwise. Thus, what CTC's argument shows at most is that WXXX suffers "lost potential benefits": WXXX might get even more contributions if it sent direct mail into White Sulphur Springs. Returning from our hypothetical station to CTC itself, CTC does not suffer "harm" from its "inability" to do direct mailing. Rather, CTC's argument shows, at most, that while CTC benefits from carriage on distant signals, it might benefit even more under different circumstances.

I believe, however, that even this claim of "lost potential benefit" is without merit. To see why it is necessary only to ask: why can't WXXX (or CTC) do direct mailing into White Sulphur Springs? The short answer is: no good reason. If WXXX (or CTC) wants to gain the additional "potential benefit" of direct-mailing into a market in which it is carried as a distant signal, then there is absolutely no reason it cannot do so.

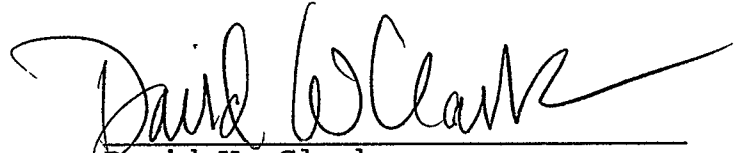
CTC's argument is apparently that it could not do direct-mailing in 1987 because it did not know where it was carried as a distant signal in that year. But this lack of knowledge was CTC's own doing. All that CTC needed to do to insure that it knew where it was carried was to require a license or agreement from stations that wanted to carry its programs. CTC would then have known what stations carried its programs -- to learn where it was carried as a distant signal, CTC would then have had numerous resource tools available to it, such as Nielson and Aribtron reports. CTC now apparently admits that it did not require licenses from stations in 1987 and argues that it

therefore did not know where it was carried as a distant signal. This lack of knowledge was CTC's own doing -- it is silly for CTC to lodge a claim for "bonus" royalties because of its own failure to take steps to maximize its benefit.

In sum, CTC's argument does not show any "special" harm. Rather, CTC has shown merely that it did not maximize the potential benefits of carriage of its programs on distant signals because it did not require licenses in 1987 from broadcast stations that showed its programs. CTC's lack of knowledge was its own doing, however, and surely provides no basis whatsoever for a bonus award from the Tribunal.

DECLARATION

I, David W. Clark, declare under penalty of perjury that the foregoing rebuttal testimony for the Settling Devotional Claimants is true and correct to the best of my knowledge and belief.



David W. Clark

SETTLING DEVOTIONAL CLAIMANTS
REBUTTAL EXHIBIT NO. R-2

1987 FEE GENERATION BY WXXX

<u>Station</u>	<u>Total Fees Generated</u>	<u>Program % WXXX</u>	<u>Fee Generation by WXXX Programs</u>
WXXX	\$28	90.0	\$25.50

PERCENTAGE OF FEES GENERATED BY WXXX PROGRAMMING:

$$\frac{\$25.50}{\$28.00} = 90.00$$

PERCENTAGE OF PROGRAM CONTENT ON STATIONS CARRIED BY FORM 3
DISTANT SYSTEMS AVERAGED:

90.0%

SETTLING DEVOTIONAL CLAIMANTS
REBUTTAL EXHIBIT NO. R-3

1987 FEE GENERATION BY KYYY

<u>Station</u>	<u>Total Fees Generated</u>	<u>Program % KYYY</u>	<u>Fee Generation by KYYY Programs</u>
KYYY	\$10,000	90.0	\$9,000

PERCENTAGE OF FEES GENERATED BY KYYY PROGRAMMING:

$$\frac{\$ 9,000}{\$10,000} = 90.0\%$$

PERCENTAGE OF PROGRAM CONTENT ON STATIONS CARRIED BY FORM 3
DISTANT SYSTEMS AVERAGED:

90.0%

SETTLING DEVOTIONAL CLAIMANTS
REBUTTAL EXHIBIT NO. R-4

REBUTTAL TESTIMONY OF CHRISTINA MOLDENHAUER

I am a legal assistant with Fisher, Wayland, Cooper & Leader ("Fisher Wayland). I will testify about the procedures used in comparing the time-based "fee generation" in 1987 of CTC with the time-based fee generation in that year by the Settling Devotional Claimants.

I. The Fee Generation Report for the
Settling Devotional Claimants

CBN, Old-Time and Inspirational provided Fisher Wayland with lists of broadcast stations on which their programs appeared during the first half of 1987 and during the second half of 1987. We forwarded a combined list of these stations to the Cable Data Corporation ("CDC"). CDC then provided us with a report showing the total "fees generated" by distant carriage of each of the stations in 1987-1 and in 1987-2. CDC was instructed to use the same method to determine the "fees generated" as it had earlier used in generating its report for the Christian Television Corporation ("CTC").

Using the CDC data, I then prepared the time-based fee generation report which is attached hereto as Settling Devotional Claimants' Rebuttal Exhibit No. R-5. The information about the number of program hours per week for programs produced by CBN, Old Time and Inspirational's predecessor, PTL, was obtained from a responsible person with each of these claimants. The informa-

tion about the number of overall station hours per week was obtained, where available, from the Directory of Religious Broadcasters. In a few cases, information about a station's program week was obtained directly from a station's management. In cases where we had no information, we made the assumption that would result in the most conservative estimate of the "fees generated" by CBN, Old Time and PTL: we assumed that these stations operated 168 hours per week (24 hours a day for 7 days a week). If any of these stations operated for fewer hours each week in 1987 -- as is extremely likely -- then we have under-estimated the "fees generated" by CBN, Old Time and PTL.

The study resulted in the following "fees generated" by the programs of CBN, Old Time and PTL:

1987-1:	\$ 707,762.24
1987-2:	<u>765,604.67</u>
TOTAL:	\$1,473,366.90

II. The "Fee Generation" Report for CTC

In order to make a comparison between the \$1,473,366.90 generated by the Settling Devotional Claimants and the "fees generated" by CTC's programs, I re-computed the fee generation reported by CTC in Exhibit 6 of its direct case. The results of my re-computation are contained in Settling Devotional Claimant's Rebuttal Exhibit No. R-6, attached hereto.

According to my calculation, the total amount of fees generated by the programs of CTC in 1987-1 and 1987-2 was \$13,073.55.

I made the following changes in CTC's Exhibit 6 in doing this re-computation:

1) I increased the total fees generated by the stations carrying CTC's programs by using the new data provided to us by CDC. (The only exception was KTBW, for which CDC had not provided us with new data. I continued to use CTC's figure of \$2,187 in fees generated by KTBW.) I made this increase because I did not want CTC to be underestimated, either because it had used lower figures from an earlier CTC report or because it had lowered its figures by focusing only on Form 3 systems.

2) I changed the percentage of CTC programs on various stations based on my verification of the two factors used to determine this percentage. First, I recalculated the number of CTC Program hours per week by using data from CTC's own Exhibit 12. (My calculations are shown in Settling Rebuttal Exhibit R-7, attached hereto.) Second, I recalculated the overall hours per week on each in CTC's Exhibit 6 by consulting the Directory of Religious Broadcasters. In some cases I verified the information about total station hours with the stations themselves.

III. Comparison of CTC with the Settling Devotionals

I then calculated the percentage of royalties generated by CTC as a percentage of the royalties generated by CTC, CBN, Old Time and PTL. CTC generated .88% of the royalties.

On Mr. Gottfried's instructions, I re-calculated the percentage of royalties generated by CTC as follows. I sub-

tracted from the total station fees generated by CTC, 93.15% of the royalties reported by CDC as generated by WCLF. That is, I subtracted \$31,191 from the \$33,483 "generated" by WCLF. (I understand that this represents the share of royalties reported as paid for WCLF by the Lakeland Cable System. I also understand that there was something peculiar about this carriage or the "payment" but I do not know the details.)

Keeping everything else constant, this re-calculation reduced the total fees generated by CTC to \$5275.80. (My calculations are shown in Exhibit R-8.) I used this new figure and re-calculated the percentage of royalties generated by CTC as a percentage of the total royalties generated by CTC, CBN, Old Time and PTL (\$1,478,642.70). CTC generated .36% of the royalties.

IV. The 3.75 Royalties

In addition to the above study, I also asked CDC to provide me with data concerning 3.75 royalties generated by five (5) selected stations in 1987. I then generated a time-based study of 3.75 royalties generated by the Settling Devotional Claimants on these stations. The results of my study are contained in the attached Settling Devotional Claimants Rebuttal Exhibit No. R-9. It shows a total of \$320,308.62 in 3.75 fees generated on the five stations.

DECLARATION

I, Christina Moldenhauer, declare under penalty of perjury that the foregoing rebuttal testimony for the Settling Devotional Claimants is true and correct to the best of my knowledge and belief.

Christina Moldenhauer
Christina Moldenhauer

SETTLING DEVOTIONAL CLAIMANTS
REBUTTAL EXHIBIT NO. R-5

1987-1

Station	Location	CBN, PTL, OTGH Program Hours/Wk	Overall Station Hours/Wk	Percent CBN, PTL OTGH Programs	Station Fees Generated	CBN, PTL, OTGH Fees Generated
KAAL	Austin, MN	5	168	3.0%	\$2,484.00	\$73.93
KADN	Lafayette, LA					
KAME	Reno, NV	5	168	3.0%	\$6,457.00	\$192.17
KATV	Little Rock, AR	1	168	0.6%	\$27,598.00	\$164.27
KAUT	Oklahoma City, OK					
KAYU	Spokane, WA	12	168	7.1%	\$2,672.00	\$190.86
KBHK	San Francisco, CA	1	168	0.6%	\$173,561.00	\$1,033.10
KBSI	Cape Girardeau, MO	5	168	3.0%	\$2,330.00	\$69.35
KCAN	Albion, NE	6	168	3.6%	\$761.00	\$27.18
KCOP	Los Angeles, CA	1	168	0.6%	\$102,915.00	\$612.59
KCPQ	Tacoma, WA	5	168	3.0%	\$31,055.00	\$924.26
KCSO	Modesta, CA	11	168	6.5%	\$8,850.00	\$579.46
KDAF	Dallas, TX	1	168	0.6%	\$5,388.00	\$32.07
KDEB	Springfield, MO	16	168	9.5%	\$664.00	\$63.24
KDFI	Dallas, TX	7	168	4.2%	\$8,239.00	\$343.29
KDLT	Mitchell, SD	10	129.5	7.7%	\$1,996.00	\$154.13
KDNL	St. Louis, MO	10	168	6.0%	\$4,920.00	\$292.86
KDOC	Anaheim, CA					
KEZI	Eugene, OR	7	168	4.2%	\$2,728.00	\$113.67
KFCB	Concord, CA	8	126	6.3%	\$13,393.00	\$850.35
KFTY	Santa Rosa, CA	6	168	3.6%	\$15,404.00	\$550.14
KFVS	Cape Girardeau, MO	1	168	0.6%	\$1,941.00	\$11.55
KGMC	Oklahoma City, OK	2	168	1.2%	\$458.00	\$5.45
KGSW	Albuquerque, NM	11	168	6.5%	\$11,939.00	\$781.72
KGTV	San Diego, CA	1	168	0.6%	\$17,788.00	\$105.88
KHAS	Hastings, NE					
KHJ	Los Angeles, CA	5	140	3.6%	\$244,137.00	\$8,719.18
KHTV	Houston, TX	6	168	3.6%	\$27,392.00	\$978.29
KICU	San Jose, CA	11	168	6.5%	\$116,165.00	\$7,606.04
KIMT	Mason City, IA	5	168	3.0%	\$2,484.00	\$73.93
KITN	Minneapolis, MN	10	168	6.0%	\$938.00	\$55.83
KIVI	Nampa, ID	1	140	0.7%	\$734.00	\$5.24
KJTL	Wichita Falls, TX	10	168	6.0%	\$2,740.00	\$163.10
KLJB	Davenport, IA					
KLST	San Angelo, TX	1	168	0.6%	\$161.00	\$0.96
KMEG	Sioux City, IA	5	168	3.0%	\$999.00	\$29.73
KMSB	Tucson-Nogale, AZ	12	140	8.6%	\$6,350.00	\$544.29
KMSS	Shreveport, LA					
KODE	Joplin, MO	1	168	0.6%	\$600.00	\$3.57
KOKH	Oklahoma City, OK	10	168	6.0%	\$458.00	\$27.26
KOKI	Tulsa, OK	6	133	4.5%	\$19,780.00	\$892.33

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Station	Location	CBN, PTL, OTGH Program Hours/Wk	Overall Station Hours/Wk	Percent CBN, PTL OTGH Programs	Station Fees Generated	CBN, PTL, OTGH Fees Generated
		5	168	2.98%	\$616.00	\$18.33
		5	168	2.98%	\$2,277.00	\$67.77
		5	168	2.98%	\$6,235.00	\$185.57
		1	168	0.60%	\$28,201.00	\$167.86
		5	168	2.98%	\$2,001.00	\$59.55
		6	168	3.57%	\$103,555.00	\$3,698.39
		1	168	0.60%	\$204,591.00	\$1,217.80
		5	168	2.98%	\$2,467.00	\$73.42
		1	168	0.60%	\$111,356.00	\$662.83
		7	168	4.17%	\$33,615.00	\$1,400.63
		6	168	3.57%	\$10,262.00	\$366.50
		1	168	0.60%	\$6,520.00	\$38.81
		11	168	6.55%	\$675.00	\$44.20
		6	168	3.57%	\$9,193.00	\$328.32
		10	168	5.95%	\$5,497.00	\$327.20
		5	168	2.98%	\$24,459.00	\$727.95
		6	168	3.57%	\$2,779.00	\$99.25
		8	126	6.35%	\$26,632.00	\$1,690.92
		6	168	3.57%	\$16,389.00	\$585.32
		1	168	0.60%	\$2,476.00	\$14.74
		2	168	1.19%	\$513.00	\$6.11
			168	0.00%	\$9,498.00	\$0.00
		1	168	0.60%	\$19,283.00	\$114.78
		5	133	3.76%	\$805.00	\$30.26
		5	140	3.57%	\$257,835.00	\$9,208.39
		5	168	2.98%	\$34,937.00	\$1,039.79
		6	168	3.57%	\$270,027.00	\$9,643.82
		5	168	2.98%	\$11,733.00	\$349.20
		1	140	0.71%	\$767.00	\$5.48
		10	168	5.95%	\$3,091.00	\$183.99
		11	136.5	8.06%	\$2,396.00	\$193.08
		1	168	0.60%	\$158.00	\$0.94
		5	168	2.98%	\$1,042.00	\$31.01
		11	140	7.86%	\$6,915.00	\$543.32
		6	147	4.08%	\$12,033.00	\$491.14
		1	168	0.60%	\$649.00	\$3.86
		10	168	5.95%	\$513.00	\$30.54
		6	133	4.51%	\$22,480.00	\$1,014.14

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Station	Location	CBN, PTL, OTGH Program Hours/Wk	Overall Station Hours/Wk	Percent CBN, PTL OTGH Programs	Station Fees Generated	CBN, PTL, OTGH Fees Generated
KPDX	Vancouver, WA	5	168	3.0%	\$3,088.00	\$91.90
KPEJ	Odessa, TX	6	168	3.6%	\$1,959.00	\$69.96
KPLR	St. Louis, MO	1	168	0.6%	\$57,821.00	\$344.17
KPTV	Portland, OR	1	168	0.6%	\$86,054.00	\$512.23
KPVI	Pocatello, ID	1	168	0.6%	\$734.00	\$4.37
KQTV	St. Joseph, MO	7	130	5.4%	\$5,269.00	\$283.72
KRBK	Sacramento, CA	1	168	0.6%	\$1,983.00	\$11.80
KRIV	Houston, TX	9	168	5.4%	\$47,865.00	\$2,564.20
KRON	San Francisco, CA					
KSAS	Wichita, KS					
KSCI	San Bernardino, CA	5	168	3.0%	\$40,980.00	\$1,219.64
KSGW	Sheridan, WY	1	168	0.6%	\$799.00	\$4.76
KSTP	Minneapolis, MN	1	168	0.6%	\$9,128.00	\$54.33
KSTW	Tacoma, WA	1	168	0.6%	\$135,214.00	\$804.85
KTBN	Fontana, CA	5	164	3.0%	\$22,653.00	\$690.64
KTBO	Oklahoma City, OK	5	168	3.0%	\$7,248.00	\$215.71
KTLA	Los Angeles, CA	6	168	3.6%	\$528,496.00	\$18,874.86
KTRV	Nampa, ID					
KTTC	Rochester, MN	1	168	0.6%	\$2,563.00	\$15.26
KTTV	Los Angeles, CA	1	168	0.6%	\$629,790.00	\$3,748.75
KWCH	Hutchinson, KS	1	168	0.6%	\$889.00	\$5.29
KTVK	Phoenix, AZ	1	168	0.6%	\$5,337.00	\$31.77
KTVO	Kirksville, MO					
KTWO	Casper, WY	1	168	0.6%	\$670.00	\$3.99
KTXA	Fort Worth, TX	1	168	0.6%	\$10,488.00	\$62.43
KTXH	Houston, TX	1	168	0.6%	\$105,073.00	\$625.43
KTXL	Sacramento, CA	5	168	3.0%	\$717,712.00	\$21,360.48
KUPK	Garden City, KS					
KUTP	Phoenix, AZ	5	133	3.8%	\$4,805.00	\$180.64
KWCH	Hutchinson, KS	1	168	0.6%	\$889.00	\$5.29
KHSP	Salem, OR	5	168	3.0%	\$19,288.00	\$574.05
KWWL	Waterloo, IA	6	140	4.3%	\$119.00	\$5.10
KXJB	Valley City, ND	5	168	3.0%	\$4,619.00	\$137.47
KXLI	St. Cloud, MN	2	168	1.2%	\$1,707.00	\$20.32
KXTX	Dallas, TX	10	168	6.0%	\$209,944.00	\$12,496.67
KYEL	Yuma, AZ	1	168	0.6%	\$44.00	\$0.26
KZKC	Kansas City, MO	5	168	3.0%	\$3,612.00	\$107.50
WAGT	Augusta, GA					
WAKC	Akron, OH	12	168	7.1%	\$3,164.00	\$226.00
WALB	Albany, GA	1	168	0.6%	\$1,169.00	\$6.96
WANE	Ft. Wayne, IN	1	168	0.6%	\$558.00	\$3.32

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Station	Location	CBN, PTL, OTGH Program Hours/Wk	Overall Station Hours/Wk	Percent CBN, PTL OTGH Programs	Station Fees Generated	CBN, PTL, OTGH Fees Generated
		5	168	2.98%	\$3,587.00	\$106.76
		1	168	0.60%	\$65,790.00	\$391.61
		1	168	0.60%	\$88,902.00	\$529.18
		1	168	0.60%	\$767.00	\$4.57
		7	130	5.38%	\$5,795.00	\$312.04
		1	168	0.60%	\$1,830.00	\$10.89
		9	168	5.36%	\$56,004.00	\$3,000.21
		1	168	0.60%	\$27,915.00	\$166.16
		5	168	2.98%	\$2,001.00	\$59.55
		5	168	2.98%	\$65,006.00	\$1,934.70
		1	168	0.60%	\$804.00	\$4.79
		1	168	0.60%	\$6,469.00	\$38.51
		1	168	0.60%	\$146,833.00	\$874.01
		5	168	2.98%	\$7,110.00	\$211.61
		6	168	3.57%	\$595,090.00	\$21,253.21
		1	63	1.59%	\$6,662.00	\$105.75
		1	168	0.60%	\$2,612.00	\$15.55
		1	168	0.60%	\$795,424.00	\$4,734.67
		1	168	0.60%	\$1,442.00	\$8.58
		1	168	0.60%	\$5,057.00	\$30.10
		1	168	0.60%	\$481.00	\$2.86
		1	168	0.60%	\$640.00	\$3.81
		1	168	0.60%	\$13,681.00	\$81.43
		1	168	0.60%	\$151,547.00	\$902.07
		5	168	2.98%	\$733,933.00	\$21,843.24
		5	168	2.98%	\$744.00	\$22.14
		5	133	3.76%	\$4,773.00	\$179.44
		1	168	0.60%	\$1,442.00	\$8.58
		1	140	0.71%	\$4,535.00	\$32.39
		5	168	2.98%	\$22,230.00	\$661.61
		12.5	168	7.44%	\$217,479.00	\$16,181.47
		1	168	0.60%	\$57.00	\$0.34
		5	168	2.98%	\$6,130.00	\$182.44
		1	168	0.60%	\$1,879.00	\$11.18
		12	168	7.14%	\$4,777.00	\$341.21
		1	168	0.60%	\$1,173.00	\$6.98
		1	168	0.60%	\$255.00	\$1.52

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Station	Location	CBN, PTL, OTGH Program Hours/Wk	Overall Station Hours/Wk	Percent CBN, PTL OTGH Programs	Station Fees Generated	CBN, PTL, OTGH Fees Generated
WAPT	Jackson, MS	1	168	0.6%	\$2,941.00	\$17.51
WATL	Atlanta, GA	11	168	6.5%	\$13,702.00	\$897.15
WAWS	Jacksonville, FL	5	168	3.0%	\$18,913.00	\$562.89
WBAK	Terre Haute, IN	6	168	3.6%	\$795.00	\$28.39
WBBJ	Jackson, TN	1	136.5	0.7%	\$1,162.00	\$8.51
WBFF	Baltimore, MD	6	168	3.6%	\$309,170.00	\$11,041.79
WBOY	Clarksburg, WV					
WCAY	Nashville, TN	6	168	3.6%	\$2,898.00	\$103.50
WCCB	Charlotte, NC	17	168	10.1%	\$48,061.00	\$4,863.32
WCFC	Chicago, IL	11	168	6.5%	\$27,889.00	\$1,826.07
WCHS	Charleston, WV	1	168	0.6%	\$841.00	\$5.01
WCIU	Chicago, IL	6	168	3.6%	\$35,594.00	\$1,271.21
WCIX	Miami, FL	5	168	3.0%	\$41,578.00	\$1,237.44
WCLF	Clearwater, FL	7	168	4.2%	\$14,735.00	\$613.96
WCOV	Montgomery, AL	6	140	4.3%	\$5,393.00	\$231.13
WDAF	Kansas City, MO	1	168	0.6%	\$6,653.00	\$39.60
WDBB	Tuscaloosa, AL	1	168	0.6%	\$20,242.00	\$120.49
WDCA	Washington, D.C.	1	168	0.6%	\$426,713.00	\$2,539.96
WDRB	Louisville, KY	7	168	4.2%	\$44,130.00	\$1,838.75
WDSI	Chattanooga, TN	6	148	4.1%	\$2,895.00	\$117.36
WDTV	Weston, WV					
WDZL	Miami, FL	5	168	3.0%	\$19,484.00	\$579.88
WENY	Elmira, NY					
WEVV	Evansville, IN	7	168	4.2%	\$14,560.00	\$606.67
WEYI	Saginaw, MI	6	168	3.6%	\$692.00	\$24.71
WFFT	Ft. Wayne, IN	10	168	6.0%	\$22,297.00	\$1,327.20
WFTX	Boston, MA	1	168	0.6%	\$144,223.00	\$858.47
WGBA	Green Bay, WI	5	147	3.4%	\$5,298.00	\$180.20
WGCB	Red Lion, PA					
WGEM	Quincy, IL	1	116	0.9%	\$1,259.00	\$10.85
WGGS	Greenville, SC	22	168	13.1%	\$530.00	\$69.40
WGGT	Greensboro, NC	2	168	1.2%	\$5,118.00	\$60.93
WGPR	Detroit, MI	24	168	14.3%	\$1,209.00	\$172.71
WGRB	Cambellsville, KY	8	168	4.8%	\$501.00	\$23.86
WGRZ	Buffalo, NY	7	168	4.2%	\$13,793.00	\$574.71
WHAG	Hagerstown, MD	1	168	0.6%	\$3,307.00	\$19.68
WHCT	Hartford, CT	10	140	7.1%	\$16,815.00	\$1,201.07
WHFT	Miami, FL	5	168	3.0%	\$9,729.00	\$289.55
WHMB	Indianapolis, IN	19	168	11.3%	\$18,770.00	\$2,122.80
WHME	South Bend, IN	24	168	14.3%	\$1,845.00	\$263.57
WHNS	Asheville, NC	1	168	0.6%	\$18,825.00	\$112.05

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Station	Location	CBN, PTL, OTGH Program Hours/Wk	Overall Station Hours/Wk	Percent CBN, PTL OTGH Programs	Station Fees Generated	CBN, PTL, OTGH Fees Generated
		1	168	0.60%	\$1,840.00	\$10.95
		10	168	5.95%	\$16,824.00	\$1,001.43
		5	168	2.98%	\$16,161.00	\$480.98
		6	168	3.57%	\$891.00	\$31.82
		1	136.5	0.73%	\$782.00	\$5.73
		6	168	3.57%	\$313,800.00	\$11,207.14
		1	168	0.60%	\$269.00	\$1.60
		6	168	3.57%	\$3,094.00	\$110.50
		11	168	6.55%	\$37,789.00	\$2,474.28
		16	168	9.52%	\$32,571.00	\$3,102.00
		1	168	0.60%	\$957.00	\$5.70
		6	168	3.57%	\$14,414.00	\$514.79
		7	168	4.17%	\$18,748.00	\$781.17
		1	140	0.71%	\$5,211.00	\$37.22
		1	168	0.60%	\$6,994.00	\$41.63
		6	168	3.57%	\$17,376.00	\$620.57
		7	168	4.17%	\$275,005.00	\$11,458.54
		6	168	3.57%	\$52,516.00	\$1,875.57
		6	148	4.05%	\$3,190.00	\$129.32
		1	168	0.60%	\$269.00	\$1.60
		5	168	2.98%	\$20,217.00	\$601.70
		7	168	4.17%	\$105.00	\$4.38
		1	168	0.60%	\$6,378.00	\$37.96
		1	168	0.60%	\$756.00	\$4.50
		10	168	5.95%	\$16,635.00	\$990.18
		6	168	3.57%	\$117,290.00	\$4,188.93
		5	147	3.40%	\$9,128.00	\$310.48
		17	168	10.12%	3105	\$314.20
		1	116	0.86%	\$1,704.00	\$14.69
		21	168	12.50%	\$425.00	\$53.13
		2	168	1.19%	\$5,368.00	\$63.90
		1	168	0.60%	\$2,552.00	\$15.19
		1	168	0.60%	\$15,602.00	\$92.87
		5	168	2.98%	\$10,121.00	\$301.22
		19	168	11.31%	\$19,653.00	\$2,222.66
		24	168	14.29%	\$2,146.00	\$306.57
		1	168	0.60%	\$425.00	\$2.53

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Station	Location	CBN, PTL, OTGH Program Hours/Wk	Overall Station Hours/Wk	Percent CBN, PTL OTGH Programs	Station Fees Generated	CBN, PTL, OTGH Fees Generated
WHP	Harrisburg, PA	5	168	3.0%	\$2,562.00	\$76.25
WHSV	Harrisonburg, VA	7	140	5.0%	\$735.00	\$36.75
WIBW	Topeka, KS	1	168	0.6%	\$9,286.00	\$55.27
WICU	Erie, PA	1	168	0.6%	\$1,543.00	\$9.18
WICZ	Binghampton, NY	6	168	3.6%	\$892.00	\$31.86
WITN	Washington, NC	5	168	3.0%	\$1,360.00	\$40.48
WIXT	Syracuse, NY	1	140	0.7%	\$3,165.00	\$22.61
WJCL	Savannah, GA	1	168	0.6%	\$2,161.00	\$12.86
WJKA	Wilmington, NC	5	168	3.0%	\$522.00	\$15.54
WKBD	Detroit, MI	6	168	3.6%	\$255,911.00	\$9,139.68
WKBT	La Crosse, WI	6	168	3.6%	\$4,005.00	\$143.04
WKCH	Knoxville, TN	6	168	3.6%	\$4,017.00	\$143.46
WKFT	Fayetteville, NC	8	168	4.8%	\$5,741.00	\$273.38
WKOI	Richmond, IN	5	168	3.0%	\$6,495.00	\$193.30
WKOW	Madison, WI	1	168	0.6%	\$421.00	\$2.51
WKTV	Utica, NY	1	133	0.8%	\$3,510.00	\$26.39
WLEX	Lexington, KY	1	168	0.6%	\$4,077.00	\$24.27
WLG	Riverhead, NY					
WLNE	New Bedford, MA	1	168	0.6%	\$26,399.00	\$157.14
WLOX	Biloxi, MS	1	168	0.6%	\$5,218.00	\$31.06
WLTX	Columbia, SC	5	168	3.0%	\$1,950.00	\$58.04
WLTZ	Columbus, GA					
WLUC	Marquette, MI					
WLUK	Green Bay, WI	1	168	0.6%	\$3,794.00	\$22.58
WLYH	Lebanon, PA	1	168	0.6%	\$5,194.00	\$30.92
WLYJ	Clarksburg, WV					
WMGC	Binghampton, NY	1	133	0.8%	\$892.00	\$6.71
WMGM	Wildwood, NJ	1	147	0.7%	\$1,433.00	\$9.75
WMKW	Memphis, TN	10	168	6.0%	\$2,364.00	\$140.71
WMTV	Madison, WI	6	133	4.5%	\$421.00	\$18.99
WMUR	Manchester, NH	11	168	6.5%	\$19,366.00	\$1,268.01
WNAC	Providence, RI	6	168	3.6%	\$3,113.00	\$111.18
WNCT	Greenville, NC	1	168	0.6%	\$3,451.00	\$20.54
WNDS	Nashua, NH	5	168	3.0%	\$3,764.00	\$112.02
WNEP	Scranton, PA	1	168	0.6%	\$17,348.00	\$103.26
WNFT	Jacksonville, FL	5	168	3.0%	\$5,591.00	\$166.40
WNJU	NYC-Newark, NY	10	168	6.0%	\$89,751.00	\$5,342.32
WNRW	Winston-Salem, NC	11	168	6.5%	\$1,697.00	\$111.11
WNUV	Baltimore, MD	5	163.5	3.1%	\$131,632.00	\$4,025.44
WOIO	Shaker Heights, OH	5	168	3.0%	\$239.00	\$7.11
WOWK	Huntington, WV	6	168	3.6%	\$1,247.00	\$44.54

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Station	Location	CBN, PTL, OTGH Program Hours/Wk	Overall Station Hours/Wk	Percent CBN, PTL OTGH Programs	Station Fees Generated	CBN, PTL, OTGH Fees Generated
		5	168	2.98%	\$2,842.00	\$84.58
		1	140	0.71%	\$746.00	\$5.33
		1	168	0.60%	\$10,084.00	\$60.02
		1	168	0.60%	\$1,629.00	\$9.70
		6	168	3.57%	\$1,017.00	\$36.32
		5	168	2.98%	\$1,930.00	\$57.44
		1	140	0.71%	\$3,750.00	\$26.79
		1	168	0.60%	\$2,195.00	\$13.07
		5	168	2.98%	\$598.00	\$17.80
		6	168	3.57%	\$250,451.00	\$8,944.68
		6	168	3.57%	\$2,045.00	\$73.04
		11	168	6.55%	\$3,923.00	\$256.86
		7	168	4.17%	\$13,290.00	\$553.75
		5	168	2.98%	\$5,622.00	\$167.32
		1	168	0.60%	\$13,514.00	\$80.44
		1	168	0.60%	\$6,246.00	\$37.18
		5	168	2.98%	\$7,368.00	\$219.29
		1	168	0.60%	\$17,048.00	\$101.48
		1	168	0.60%	\$5,665.00	\$33.72
		5	168	2.98%	\$2,625.00	\$78.13
		1	168	0.60%	\$783.00	\$4.66
		1	168	0.60%	\$407.00	\$2.42
		1	168	0.60%	\$3,836.00	\$22.83
		1	168	0.60%	\$5,466.00	\$32.54
		23	168	13.69%	\$2,518.00	\$344.73
		6	133	4.51%	\$1,017.00	\$45.88
		10	168	5.95%	\$4,191.00	\$249.46
		6	133	4.51%	\$10,865.00	\$490.15
		1	168	0.60%	\$12,124.00	\$72.17
		6	168	3.57%	\$3,334.00	\$119.07
		1	168	0.60%	\$2,470.00	\$14.70
		1	168	0.60%	\$24,132.00	\$143.64
		5	168	2.98%	\$6,563.00	\$195.33
		10	168	5.95%	\$66,845.00	\$3,978.87
		6	168	3.57%	\$1,877.00	\$67.04
		5	163.5	3.06%	\$141,861.00	\$4,338.26
		5	168	2.98%	\$3,967.00	\$118.07

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Station	Location	CBN, PTL, OTGH Program Hours/Wk	Overall Station Hours/Wk	Percent CBN, PTL OTGH Programs	Station Fees Generated	CBN, PTL, OTGH Fees Generated
WPCB	Greensburg, PA	16	168	9.5%	\$21,805.00	\$2,076.67
WPGH	Pittsburgh, PA	6	163	3.7%	\$88,478.00	\$3,256.86
WPHL	Philadelphia, PA	14	147	9.5%	\$178,251.00	\$16,976.29
WPIX	New York, NY	1	168	0.6%	\$2,760,241.00	\$16,430.01
WPMI	Mobile, AL	11	168	6.5%	\$7,555.00	\$494.67
WPMT	York, PA	1	140	0.7%	\$6,656.00	\$47.54
WPTF	Durham, NC	1	147	0.7%	\$3,250.00	\$22.11
WPTT	Pittsburgh, PA	7	140	5.0%	\$29,182.00	\$1,459.10
WPTY	Memphis, TN	1	168	0.6%	\$16,138.00	\$96.06
WPWR	Gary, IN	1	168	0.6%	\$6,862.00	\$40.85
WQOW	Eau Claire, WI	1	168	0.6%	\$2,561.00	\$15.24
WQRF	Rockford, IL	12	168	7.1%	\$46,954.00	\$3,353.86
WQTV	Boston, MA	1	168	0.6%	\$20,095.00	\$119.61
WRGT	Dayton, OH	5	168	3.0%	\$73,617.00	\$2,190.98
WRTV	Indianapolis, IN	1	168	0.6%	\$11,583.00	\$68.95
WSLS	Roanoke, VA	1	168	0.6%	\$6,448.00	\$38.38
WSMV	Nashville, TN	1	168	0.6%	\$5,364.00	\$31.93
WSVN	Miami, FL	1	168	0.6%	\$12,439.00	\$74.04
WSYX	Columbus, OH	1	168	0.6%	\$13,161.00	\$78.34
WTAJ	Altoona, PA					
WTBS	Atlanta, GA	1	168	0.6%	\$27,580,256.00	\$164,168.19
WTGS	Hardeeville, SC	6	168	3.6%	\$3,206.00	\$114.50
WTJC	Springfield, OH	11	112	9.8%	\$7,711.00	\$757.33
WTNH	New Haven, CT	1	168	0.6%	\$778.00	\$4.63
WTOV	Steubenville, OH	6	168	3.6%	\$10,431.00	\$372.54
WTRF	Wheeling, WV	6	168	3.6%	\$30,512.00	\$1,089.71
WTTE	Columbus, OH	1	168	0.6%	\$7,520.00	\$44.76
WTTD	Homewood, AL	1	161	0.6%	\$29,252.00	\$181.69
WTTV	Bloomington, IN	5	168	3.0%	\$270,183.00	\$8,041.16
WTVA	Tupelo, MS	1	168	0.6%	\$906.00	\$5.39
WTVB	Chattanooga, TN	6	168	3.6%	\$3,221.00	\$115.04
WTVQ	Lexington, KY	5	133	3.8%	\$2,176.00	\$81.80
WTVR	Richmond, VA	1	168	0.6%	\$725.00	\$4.32
WTVT	Tampa, FL	1	168	0.6%	\$5,742.00	\$34.18
WTVW	Evansville, IN					
WTVY	Dothan, AL	1	168	0.6%	\$4,592.00	\$27.33
WTVZ	Terre Haute, IN					
WTVZ	Norfolk, VA	5	168	3.0%	\$6,373.00	\$189.67
WTVZ	Waterbury, CT	6	168	3.6%	\$43,490.00	\$1,553.21
WTVZ	Meridian, MS	5	168	3.0%	\$965.00	\$28.72
WUAB	Lorain, OH	6	168	3.6%	\$399,555.00	\$14,269.82

1987-2

Station	Location	CBN, PTL, OTGH Program Hours/Wk	Overall Station Hours/Wk	Percent CBN, PTL OTGH Programs	Station Fees Generated	CBN, PTL, OTGH Fees Generated
		16	168	9.52%	\$23,890.00	\$2,275.24
		6	163	3.68%	\$103,759.00	\$3,819.35
		14	147	9.52%	\$199,588.00	\$19,008.38
		1	168	0.60%	\$2,829,941.00	\$16,844.89
		11	168	6.55%	\$6,161.00	\$403.40
		1	140	0.71%	\$6,060.00	\$43.29
		1	147	0.68%	\$3,213.00	\$21.86
		7	140	5.00%	\$34,292.00	\$1,714.60
		1	168	0.60%	\$11,146.00	\$66.35
		1	168	0.60%	\$202.00	\$1.20
		6	168	3.57%	\$6,002.00	\$214.36
		1	168	0.60%	\$25,993.00	\$154.72
		1	168	0.60%	\$12,020.00	\$71.55
		1	168	0.60%	\$7,848.00	\$46.71
		1	168	0.60%	\$5,064.00	\$30.14
		1	168	0.60%	\$13,862.00	\$82.51
		1	168	0.60%	\$14,613.00	\$86.98
		1	168	0.60%	\$1,181.00	\$7.03
		1	168	0.60%	\$29,999,323.00	\$178,567.40
		7	168	4.17%	\$3,521.00	\$146.71
		6	112	5.36%	\$7,008.00	\$375.43
		6	168	3.57%	\$11,508.00	\$411.00
		6	168	3.57%	\$14,165.00	\$505.89
		1	168	0.60%	\$2,456.00	\$14.62
		1	161	0.62%	\$25,154.00	\$156.24
		5	168	2.98%	\$284,441.00	\$8,465.51
		1	168	0.60%	\$905.00	\$5.39
		6	168	3.57%	\$2,178.00	\$77.79
		1	168	0.60%	\$839.00	\$4.99
		1	168	0.60%	\$4,211.00	\$25.07
		5	168	2.98%	524	\$15.60
		1	168	0.60%	\$4,750.00	\$28.27
		1	168	0.60%	\$891.00	\$5.30
		5	168	2.98%	\$6,822.00	\$203.04
		6	168	3.57%	\$10,933.00	\$390.46
		1	168	0.60%	\$445,948.00	\$2,654.45

1987-1

Station	Location	CBN, PTL, OTGH Program Hours/Wk	Overall Station Hours/Wk	Percent CBN, PTL OTGH Programs	Station Fees Generated	CBN, PTL, OTGH Fees Generated
WUHF	Rochester, NY	11	164.5	6.7%	\$5,705.00	\$381.49
WUTV	Buffalo, NY	6	168	3.6%	\$12,674.00	\$452.64
WVAH	Charleston, WV	10	168	6.0%	\$2,130.00	\$126.79
WVII	Bangor, ME	7	168	4.2%	\$1,982.00	\$82.58
WVIR	Charlottesville, VA	7	168	4.2%	\$1,829.00	\$76.21
WVLA	Batton Rouge, LA	1	168	0.6%	\$4,271.00	\$25.42
WVTV	Milwaukee, WI	10	140	7.1%	\$228,837.00	\$16,345.50
WWAY	Wilmington, NC	1	168	0.6%	\$869.00	\$5.17
WWCP	Johnstown, PA	5	168	3.0%	\$6,207.00	\$184.73
WWLF	Hazleton, PA	5	168	3.0%	\$3,340.00	\$99.40
WWOR	New York, NY	5	168	3.0%	\$9,973,990.00	\$296,844.94
WWSB	Sarasota, FL	6	168	3.6%	\$6,539.00	\$233.54
WXIX	Cincinnati, OH	2	168	1.2%	\$156,599.00	\$1,864.27
WYAH	Portsmouth, VA	10	136.5	7.3%	\$42,115.00	\$3,085.35
WYTV	Youngstown, OH	1	140	0.7%	\$16,991.00	\$121.36
WZDX	Huntsville, AL	10	168	6.0%	\$3,106.00	\$184.88
WZTV	Nashville, TN	1	168	0.6%	\$23,770.00	\$141.49
WZZM	Grand Rapids, MI	1	168	0.6%	\$3,121.00	\$18.58

TOTAL: \$707,762.24

1987-2

Station	Location	CBN, PTL, OTGH Program Hours/Wk	Overall Station Hours/Wk	Percent CBN, PTL OTGH Programs	Station Fees Generated	CBN, PTL, OTGH Fees Generated
		11	164.5	6.69%	\$846.00	\$56.57
		6	168	3.57%	\$13,637.00	\$487.04
		10	168	5.95%	\$2,248.00	\$133.81
		1	168	0.60%	\$503.00	\$2.99
		1	168	0.60%	\$472.00	\$2.81
		1	168	0.60%	\$4,025.00	\$23.96
		5	140	3.57%	\$217,476.00	\$7,767.00
		1	168	0.60%	\$841.00	\$5.01
		5	168	2.98%	\$413.00	\$12.29
		5	168	2.98%	\$3,120.00	\$92.86
		5	168	2.98%	\$11,542,635.00	\$343,530.80
		1	168	0.60%	\$9,733.00	\$57.93
		2	168	1.19%	\$153,648.00	\$1,829.14
		12.5	136.5	9.16%	\$8,432.00	\$772.16
		1	140	0.71%	\$16,628.00	\$118.77
		5	168	2.98%	\$3,388.00	\$100.83
		1	168	0.60%	\$35,652.00	\$212.21
		1	168	0.60%	\$3,031.00	\$18.04

TOTAL: \$765,604.67

SETTLING DEVOTIONAL CLAIMANTS
REBUTTAL EXHIBIT NO. R-6

1987-1/2

Station	Station	CTC Program Hours/Wk	Overall Station Hours/Wk	Percent CTC Program	Station Fees Generated	CTC Fees Generated
KFCB	KFCB	5	126	4.0%	\$40,025.00	\$1,588.29
KTBN	KTBN	2	164	1.2%	\$22,653.00	\$276.26
KTBO	KTBO	2	162	1.2%	\$14,358.00	\$177.26
KTBW	KTBW	2	168	1.2%	\$2,187.00	\$26.04
WCFC	WCFC	3	168	1.8%	\$60,460.00	\$1,079.64
WCLF	WCLF	42	168	25.0%	\$33,483.00	\$8,370.75
WHFT	WHFT	2	164	1.2%	\$19,850.00	\$242.07
WHMB	WHMB	0.5	168	0.3%	\$38,423.00	\$114.35
WHME	WHME	0.5	168	0.3%	\$3,991.00	\$11.88
WKOI	WKOI	1.5	168	0.9%	\$12,117.00	\$108.19
WPCB	WPCB	3	168	1.8%	\$45,695.00	\$815.98
WTJC	WTJC	2	112	1.8%	\$14,719.00	\$262.84

TOTAL: \$13,073.55

SETTLING DEVOTIONAL CLAIMANTS
REBUTTAL EXHIBIT NO. R-7

CTC BROADCAST PROGRAM HOURS

	JOY JUNCTION	BECKY'S BARN	SOLO ACT	ACTION SIXTIES	CELEBRATE	WORD FOR THE WORLD	MILLER BROS. THE DOWNINGS	THIS IS YOUR DAY	GOOD NIGHT ALIVE	THE GOOD LIFE	TOTALS
KFCB	3.0	0.5	1.0					0.5			5.0
KTBN	0.5		0.5		0.5	0.5					2.0
KTBO	0.5		0.5		0.5	0.5					2.0
KTBW	0.5		0.5		0.5	0.5					2.0
WCFC	1.5			1.0				0.5			3.0
WCLF	1.0	1.5	1.0	18.0	1.0	1.0	0.5	1.5	0.5	5.0	42.0
WHFT	0.5		0.5		0.5	0.5					2.0
WHMB	0.5										0.5
WHME	0.5										0.5
WKOI			0.5		0.5	0.5					1.5
WPCB	1.0	0.5		1.0	0.5						3.0
WTJC			0.5	1.0				0.5			2.0

SETTLING DEVOTIONAL CLAIMANTS
REBUTTAL EXHIBIT NO. R-8

RECALCULATION OF CTC "FEES GENERATED"

Computation of Deduction

1)	Fees generated by WCLF	\$33,483
2)	Fees generated by Lakeland Carriage of WCLF	31,191
3)	Fees generated by WCLF <u>other</u> than for Lakeland carriage (#1 minus #2)	2,292
4)	Fees generated by WCLF attributable to CTC's programs (.25 x 2,292)	573
5)	Total fees reported for CTC on Exhibit R-6	13,073.55
6)	Total fees for CTC with new figure for WCLF from #5 above	5,275.80

SETTLING DEVOTIONAL CLAIMANT
REBUTTAL EXHIBIT NO. R-9

3.75 ROYALTIES

1987-1

Station	CBN, PTL, OTGH Program Hours/Wk	Overall Station Hours/Wk	Percent CBN, PTL, OTGH Programs	3.75 Royalties	CBN, PTL, OTGH 3.75 Royalties
KTTV	1	168	0.6%	\$89,564.00	\$533.12
KTXL	5	168	3.0%	\$15,970.00	\$475.30
WPIX	1	168	0.6%	\$469,061.00	\$2,792.03
WTBS	1	168	0.6%	\$6,909,139.00	\$41,125.83
WWOR	5	168	3.0%	\$3,408,491.00	\$101,443.18
TOTAL:				\$146,369.46	

1987-2

Station	CBN, PTL, OTGH Program Hours/Wk	Overall Station Hours/Wk	Percent CBN, PTL, OTGH Programs	3.75 Royalties	CBN, PTL, OTGH 3.75 Royalties
	1	168	0.60%	\$240,653.00	\$1,432.46
	5	168	2.98%	\$20,900.00	\$622.02
	1	168	0.60%	\$503,370.00	\$2,996.25
	1	168	0.60%	\$7,218,041.00	\$42,964.53
	5	168	2.98%	\$4,231,043.00	\$125,923.90
TOTAL:				\$173,939.16	

SETTLING DEVOTIONAL CLAIMANTS
Rebuttal Exhibit No. R-10

REBUTTAL TESTIMONY OF BRUCE D. JACOBS

I am a partner in the law firm of Fisher, Wayland, Cooper & Leader. I have been practicing communications law for nearly ten years, a significant amount of which time has been spent advising cable and broadcast clients on the application of the cable copyright rules and regulations and, in particular, the distinction between "distant" and "local" signals. I am an expert with regard to such determinations.

My testimony will address the carriage of WOAY, Oak Hill, WV on two cable systems, the carriage of KTBN, Santa Ana, CA on a third cable system and the proper characterization of those signals as either distant or local. My analysis indicates that in all cases, the signal is local on the particular cable system.

The Copyright Act provides that the process of determining whether a signal is distant or local requires reference to the former cable carriage rules of the Federal Communications Commission. 17 U.S.C. Section 111(f). (While the FCC's cable carriage rules have been held unconstitutional in certain applications, they continue to be applicable to cable copyright determinations.) As a general matter, to the extent that a signal was a "must-carry" signal pursuant to the FCC's rules, it is considered to be local for copyright purposes. If, however, a signal was not a "must-carry," then it is considered distant.

There are a number of ways in which a signal may qualify as a "must-carry." Under the former FCC rules, the first consideration was usually the location of the cable system. The FCC applied different rules to different cable systems depending on whether or not they were within 35 miles of a major market or a smaller market or were outside of all markets. For instance, the rules for smaller market systems required the carriage of all commercial stations licensed to communities in other smaller television markets within whose Grade B contours the cable system is located. Section 76.59(a)(3). The rules for larger market systems, however, contain no such provision. Section 76.61.

In some cases, the must-carry rules were the same for all classes of cable systems. For instance, in all cases, a cable system was required to carry the signal of any broadcast station that was "significantly viewed" pursuant to Section 76.54 of the FCC's rules. Sections 76.57(a)(4), 76.59(a)(6), and 76.61(a)(5).

White Sulphur Springs. WOAY is a local signal on the White Sulphur Springs system because the cable system is located in Greenbrier County, which has four "significantly viewed" signals, including WOAY. Since WOAY is significantly viewed in Greenbrier County, WOAY is a "must-carry" signal in all cable systems in the country. (Section 76.54(a) provides that signals that are "significantly viewed" within a county are deemed to be "significantly viewed" within each of the communities in the county.) (See Exhibit R-11, showing that White Sulphur Springs is located

in Greenbrier County and Exhibit R-12, showing the significantly viewed signals in Greenbrier County.)

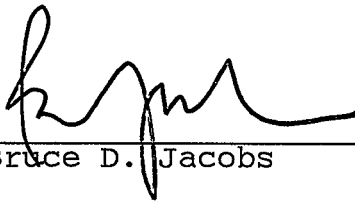
Peterstown. Peterstown is located within 35 miles of Bluefield, WV, which is considered to be a smaller market. (Bluefield is a smaller market because it is not included on the list of top 100 markets provided in Section 76.51 of the FCC's rules.) Therefore, the Peterstown cable system was required to carry, among other stations, all those licensed to other communities which are generally considered to be part of the same smaller television market. Section 76.59(a)(3). These other communities are those that are part of the same "hyphenated" market. In the case of Bluefield, it is part of the Bluefield-Oak Hill-Beckley market, according to Arbitron, which groups the cities of license together into a single market, ranked as market 144. (See Exhibit R-13, showing the portion of the Arbitron list of television markets that includes Bluefield-Oak Hill-Beckley.) Thus, cable systems in the Bluefield market are required to carry all stations that are licensed to Bluefield, Oak Hill or Beckley, including WOAY. WOAY is therefore a local signal on the Peterstown system.

Camarillo. Camarillo is located in the Oxnard, CA market, which also is a smaller television market. As a result, the Camarillo cable system was required under the FCC's former rules to carry the signals of all commercial television stations licensed to other smaller television markets if the cable system is within the Grade B signal of the station. Section

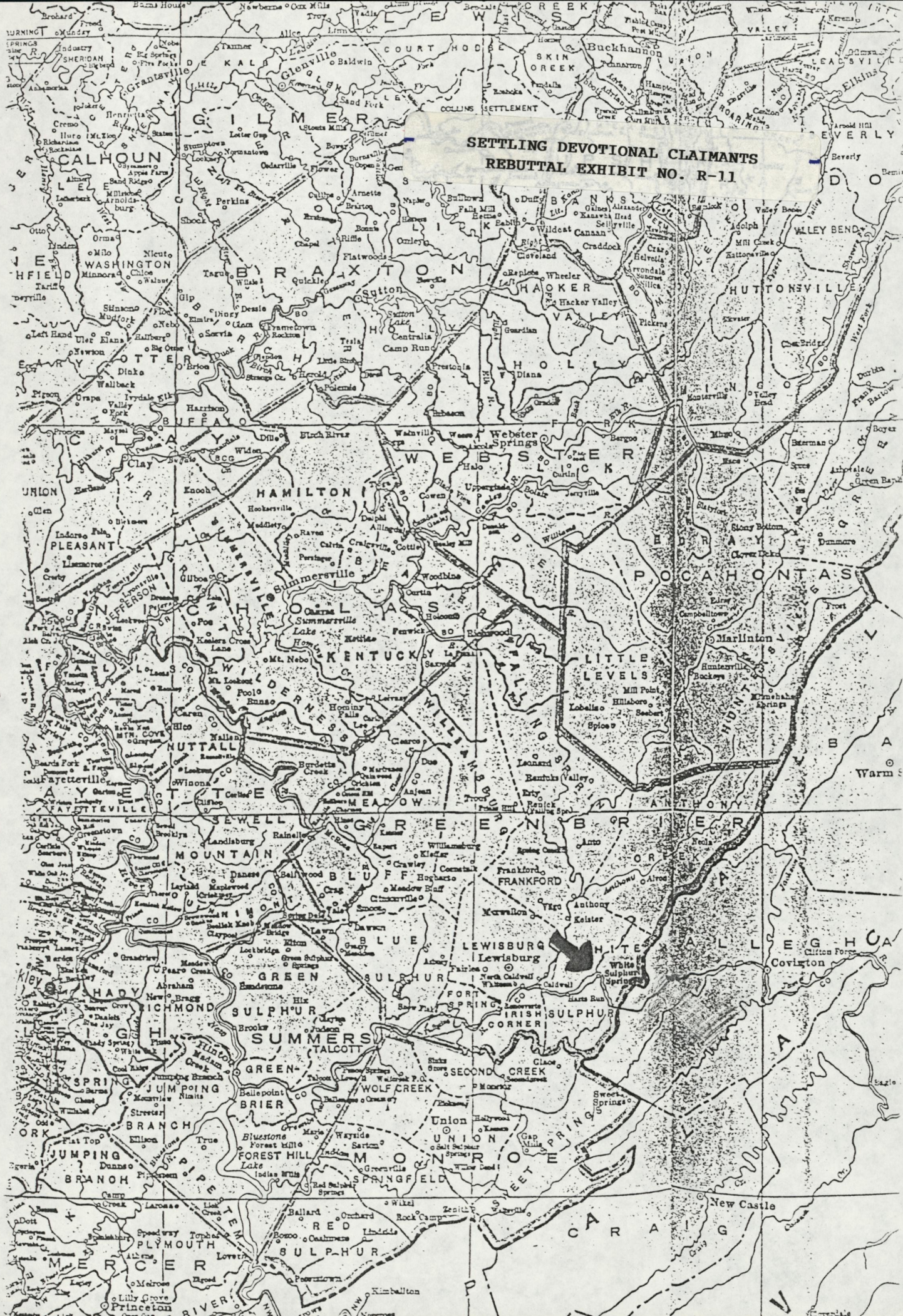
76.59(a)(3). In other words, smaller market cable systems are required to carry the signals of nearby television stations that are licensed to other smaller markets. KTVN qualifies as such a station because it is licensed to Santa Ana, which is a smaller market, and it puts a Grade B signal over Camarillo. (See Exhibit R-14, showing the Grade B contours of the television stations in southern California.) Thus, KTVN would have been a "must carry" signal on the Camarillo system and is therefore a local signal for that system.

DECLARATION

I, Bruce D. Jacobs, declare under penalty of perjury that the foregoing rebuttal testimony for the Settling Devotional Claimants is true and correct to the best of my knowledge and belief.



Bruce D. Jacobs



FCC Cable Rules

County, Call Letters, Channel
Number, and Market Name

Cabell
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)
WVAH, 23, Charleston-Huntington

Calhoun
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)
WDTV, 5, Clarksburg-Weston

Clay
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WOAY, 4, Bluefield-Beckley-Oak Hill

* Doddridge
WDTV, 5, Clarksburg-Weston
WBOY, 12, Clarksburg-Weston

Fayette
WOAY, 4, Bluefield-Beckley-Oak Hill
WHIS, 6, Bluefield-Beckley-Oak Hill (WVVA)
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)
WVAH, 23, Charleston-Huntington

Gilmer
WDTV, 5, Clarksburg-Weston
WBOY, 12, Clarksburg-Weston
WOAY, 4, Bluefield-Beckley-Oak Hill
WSAZ, 3, Charleston-Huntington

Grant
WSVA, 3, Harrisonburg (WHSV)
WJAC, 6, Johnstown-Altoona

Greenbrier
WOAY, 4, Bluefield-Beckley-Oak Hill
WHIS, 6, Bluefield-Beckley-Oak Hill (WVVA)
WDBJ, 7, Roanoke-Lynchburg
WLSL, 10, Roanoke-Lynchburg

Hampshire
WRC, 4, Washington, DC
WTTG, 5, Washington, DC
WTOP, 9, Washington, DC (WUSA)
WMAR, 2, Baltimore
WSVA, 3, Harrisonburg (WHSV)
WJAC, 6, Johnstown-Altoona

Hancock
WTRF, 7, Wheeling-Steubenville
WSTV, 9, Wheeling-Steubenville (WTOV)
KDKA, 2, Pittsburgh
WTAE, 4, Pittsburgh
WIIIC, 11, Pittsburgh (WPXI)

Hardy
WSVA, 3, Harrisonburg (WHSV)
WRC, 4, Washington, DC
WTTG, 5, Washington, DC
WTOP, 9, Washington, DC (WUSA)

Harrison
WDTV, 5, Clarksburg-Weston
WBOY, 12, Clarksburg-Weston
WTAE, 4, Pittsburgh

Jackson
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)
WVAH, 23, Charleston-Huntington

Jefferson
WRC, 4, Washington, DC
WTTG, 5, Washington, DC
WMAL, 7, Washington, DC (WJLA)
WTOP, 9, Washington, DC (WUSA)
WMAR, 2, Baltimore

County, Call Letters, Channel
Number, and Market Name

Kanawha
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)

Lewis
WDTV, 5, Clarksburg-Weston
WBOY, 12, Clarksburg-Weston

Lincoln
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)

Logan
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)

Marion
KDKA, 2, Pittsburgh
WTAE, 4, Pittsburgh
WDTV, 5, Clarksburg-Weston
WBOY, 12, Clarksburg-Weston
WTRF, 7, Wheeling-Steubenville
WSTV, 9, Wheeling-Steubenville (WTOV)

Marshall
WTRF, 7, Wheeling-Steubenville
WSTV, 9, Wheeling-Steubenville (WTOV)
KDKA, 2, Pittsburgh
WTAE, 4, Pittsburgh
WIIIC, 11, Pittsburgh (WPXI)

Mason
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)
WVAH, 23, Charleston-Huntington

McDowell
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)
WVAH, 23, Charleston-Huntington
WOAY, 4, Bluefield-Beckley-Oak Hill
WHIS, 6, Bluefield-Beckley-Oak Hill (WVVA)

Mercer
WOAY, 4, Bluefield-Beckley-Oak Hill
WHIS, 6, Bluefield-Beckley-Oak Hill (WVVA)
WDBJ, 7, Roanoke-Lynchburg
WLSL, 10, Roanoke-Lynchburg

Mineral
Over 90% cable penetration

Mingo
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)
WVAH, 23, Charleston-Huntington
WHIS, 6, Bluefield-Beckley-Oak Hill (WVVA)

Monongalia
KDKA, 2, Pittsburgh
WTAE, 4, Pittsburgh
WIIIC, 11, Pittsburgh (WPXI)
WBOY, 12, Clarksburg-Weston
WTRF, 7, Wheeling-Steubenville

Monroe
WHIS, 6, Bluefield-Beckley-Oak Hill (WVVA)
WDBJ, 7, Roanoke-Lynchburg
WLSL, 10, Roanoke-Lynchburg

Morgan
WRC, 4, Washington, DC
WTTG, 5, Washington, DC
WMAL, 7, Washington, DC (WJLA)
WTOP, 9, Washington, DC (WUSA)
WMAR, 2, Baltimore
WFBG, 10, Johnstown-Altoona (WTJL)

SETTLING DEVOTIONAL CLAIMANTS

REBUTTAL EXHIBIT NO. R-12

el

Nicholas
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)
WVAH, 23, Charleston-Huntington
WOAY, 4, Bluefield-Beckley-Oak Hill

Ohio
WTRF, 7, Wheeling-Steubenville
WSTV, 9, Wheeling-Steubenville (WTOV)
KDKA, 2, Pittsburgh
WTAE, 4, Pittsburgh
WIIIC, 11, Pittsburgh (WPXI)

Pendleton
WSVA, 3, Harrisonburg (WHSV)

Pleasants
WTRF, 7, Wheeling-Steubenville
WCHS, 8, Charleston-Huntington
WDTV, 5, Clarksburg-Weston

Pocahontas
WDBJ, 7, Roanoke-Lynchburg
WLSL, 10, Roanoke-Lynchburg
WHIS, 6, Bluefield-Beckley-Oak Hill (WVVA)

Preston
KDKA, 2, Pittsburgh
WTAE, 4, Pittsburgh
WIIIC, 11, Pittsburgh (WPXI)
WDTV, 5, Clarksburg-Weston
WTRF, 7, Wheeling-Steubenville

Putnam
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)

Raleigh
WOAY, 4, Bluefield-Beckley-Oak Hill
WHIS, 6, Bluefield-Beckley-Oak Hill (WVVA)
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)
WVAH, 23, Charleston-Huntington

Randolph
WDTV, 5, Clarksburg-Weston
WBOY, 12, Clarksburg-Weston
WCHS, 8, Charleston-Huntington

Ritchie
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)
WDTV, 5, Clarksburg-Weston
WBOY, 12, Clarksburg-Weston
WTRF, 7, Wheeling-Steubenville

Roane
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)

Summers
WOAY, 4, Bluefield-Beckley-Oak Hill
WHIS, 6, Bluefield-Beckley-Oak Hill (WVVA)

Taylor
WDTV, 5, Clarksburg-Weston
WBOY, 12, Clarksburg-Weston

Tucker
KDKA, 2, Pittsburgh
WTAE, 4, Pittsburgh
WDTV, 5, Clarksburg-Weston
WBOY, 12, Clarksburg-Weston
WTRF, 7, Wheeling-Steubenville
WSTV, 9, Wheeling-Steubenville (WTOV)

Tyler
WTRF, 7, Wheeling-Steubenville
WDTV, 5, Clarksburg-Weston

Upshur
WDTV, 5, Clarksburg-Weston
WBOY, 12, Clarksburg-Weston

Wayne
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)

Webster
WSAZ, 3, Charleston-Huntington
WOAY, 4, Bluefield-Beckley-Oak Hill
WDTV, 5, Clarksburg-Weston

Wetzel
WTRF, 7, Wheeling-Steubenville
WSTV, 9, Wheeling-Steubenville (WTOV)
KDKA, 2, Pittsburgh
WTAE, 4, Pittsburgh

Wirt
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)

Wood
WSAZ, 3, Charleston-Huntington
WCHS, 8, Charleston-Huntington
WHTN, 13, Charleston-Huntington (WOWK)
WVAH, 23, Charleston-Huntington
WTAP, 15, Parkersburg

Wyoming
WOAY, 4, Bluefield-Beckley-Oak Hill
WHIS, 6, Bluefield-Beckley-Oak Hill (WVVA)
WCHS, 8, Charleston-Huntington

WISCONSIN

Adams
WSAU, 7, Wausau-Rhineland (WSA)
WAOW, 9, Wausau-Rhineland
WKBT, 8, La Crosse-Eau Claire
WEAU, 13, La Crosse-Eau Claire
WISC, 3, Madison

Ashland
KDAL, 3, Duluth-Superior (KDLH)
WDSM, 6, Duluth-Superior (KBJR)
WDIO+, 10, Duluth-Superior

Barron
WCCO, 4, Minneapolis-St. Paul
KSTP, 5, Minneapolis-St. Paul
KMSP, 9, Minneapolis-St. Paul
WTCN, 11, Minneapolis-St. Paul (KARE)
WEAU, 13, La Crosse-Eau Claire

Bayfield
KDAL, 3, Duluth-Superior (KDLH)
WDSM, 6, Duluth-Superior (KBJR)
WDIO+, 10, Duluth-Superior

Brown
WBAY, 2, Green Bay
WFRV+, 5, Green Bay
WLUK, 11, Green Bay

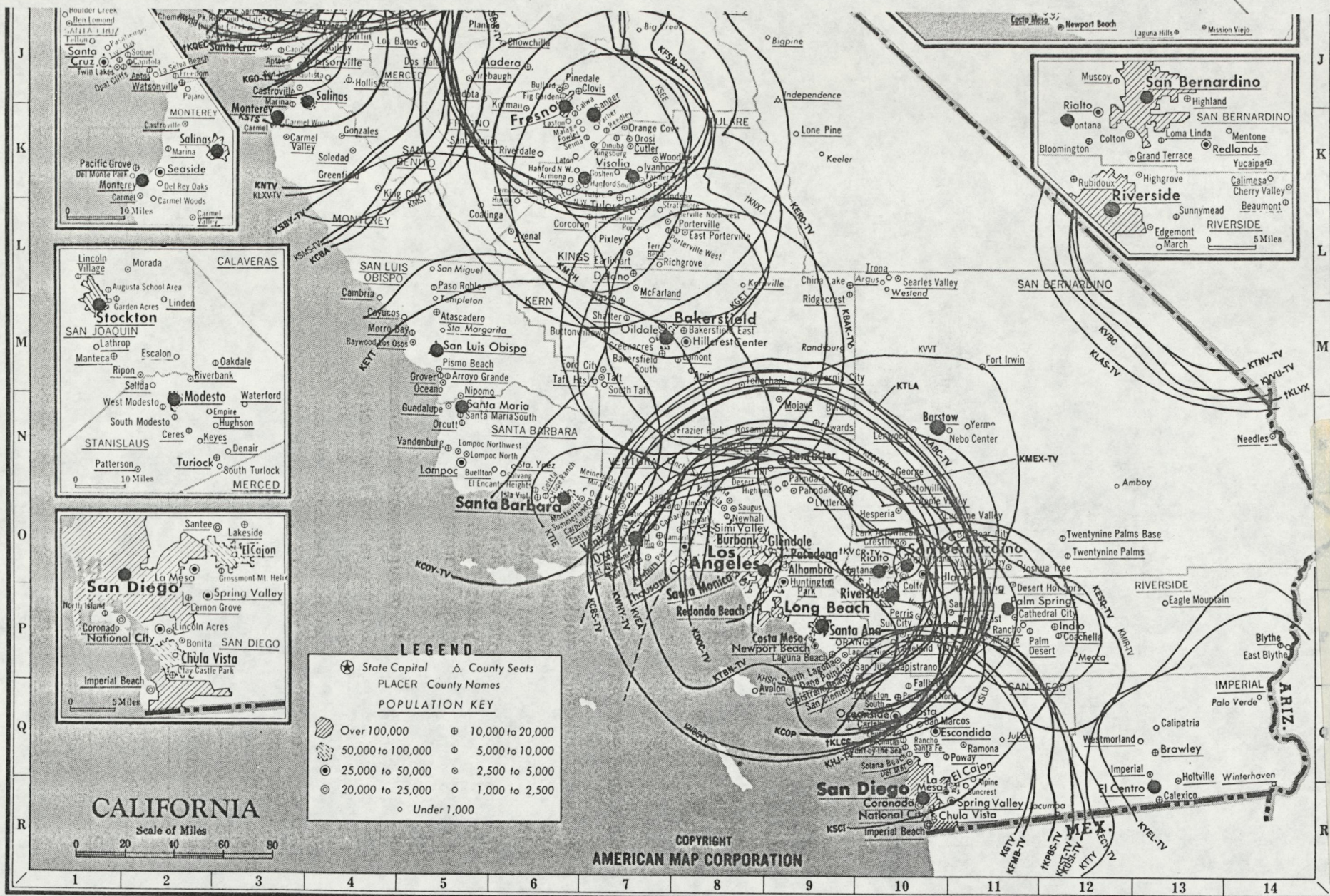
Buffalo
WKBT, 8, La Crosse-Eau Claire
WEAU, 13, La Crosse-Eau Claire
KROC, 10, Rochester-Mason City-
(KTCC)

Burnett
WCCO, 4, Minneapolis-St. Paul
KSTP, 5, Minneapolis-St. Paul
KMSP, 9, Minneapolis-St. Paul
WTCN, 11, Minneapolis-St. Paul (KAF)
KDAL, 3, Duluth-Superior (KDLH)
WDSM, 6, Duluth-Superior (KBJR)

Calumet
WBAY, 2, Green Bay
WFRV+, 5, Green Bay
WLUK, 11, Green Bay

**SETTLING DEVOTIONAL CLAIMANTS
REBUTTAL EXHIBIT NO. R-13**

ADI children		ADI TV Households		ADI Women		ADI Men		ADI Teenagers		ADI child	
164,000	.47	121.Joplin-Pittsburg	178,600	.20	188,700	.20	164,300	.19	36,500	.18	64,200
199,000	.57	122.Cornus Christi	174,200	.19	190,600	.20	178,700	.21	48,700	.24	94,000
180,000	.52	123.Duluth-Superior	169,800	.19	171,900	.18	163,000	.19	37,400	.19	63,400
169,700	.49	124.Tyler-Longview	169,000	.19	182,200	.19	166,000	.19	37,100	.19	70,200
175,500	.51	125.Terre Haute	167,900	.19	178,000	.19	156,900	.18	35,000	.18	61,200
133,000	.38	126.Beaumont-Port Arthur	165,200	.18	175,000	.19	160,400	.19	39,300	.20	70,900
151,000	.44	127.Yakima	164,400	.18	162,400	.17	159,400	.18	36,500	.18	69,200
141,000	.41	128.Sioux City	164,200	.18	167,200	.18	152,300	.18	34,500	.17	63,600
129,700	.37	129.La Crosse-Eau Claire	163,500	.18	174,300	.18	160,900	.19	38,500	.19	63,800
132,700	.38	130.Macon	163,000	.18	181,000	.19	157,700	.18	42,600	.21	73,200
577,600	4.54	Markets 121-130	1,679,800	1.86	1,771,300	1.87	1,619,600	1.88	386,100	1.93	693,700
936,000	74.67	Cumulative Total	82,950,000	92.15	87,215,600	92.20	79,334,700	92.14	18,298,400	91.84	31,791,700
		131.Columbus-Tupelo	162,300	.18	176,100	.19	155,600	.18	40,000	.20	74,400
		132.Florence, SC	161,400	.18	172,000	.18	149,000	.17	42,100	.21	76,600
		133.Wausau-Rhineland	160,100	.18	164,200	.17	157,300	.18	40,500	.20	65,600
		134.Traverse City-Cadillac	159,400	.18	163,300	.17	153,200	.18	38,500	.19	62,500
		135.Wichita Falls-Lawton	159,300	.18	166,400	.18	161,800	.19	34,200	.17	64,000
		136.Binghamton	157,200	.17	168,500	.18	151,000	.18	38,300	.19	60,000
		137.Boise	155,600	.17	154,600	.16	149,900	.17	34,300	.17	69,600
		138.Topeka	155,400	.17	160,900	.17	156,600	.18	30,200	.15	58,400
		139.Rockford	154,500	.17	157,400	.17	143,800	.17	35,700	.18	62,000
		140.Ft. Smith	153,700	.16	160,500	.17	147,900	.17	34,800	.17	61,400
		Markets 131-140	1,578,900	1.75	1,643,900	1.74	1,526,100	1.77	368,600	1.83	654,500
		Cumulative Total	84,528,900	93.90	88,859,500	93.94	80,860,800	93.91	18,667,000	93.67	32,446,200
		141.Erie	153,200	.17	161,700	.17	144,800	.17	35,200	.18	61,400
		142.Wheeling-Steubenville	152,700	.17	161,000	.17	143,000	.17	32,700	.16	57,300
		143.Chico-Redding	150,600	.17	153,100	.16	143,900	.17	29,800	.15	51,800
		144.Bluefield-Beckley-Oak Hill	150,200	.17	158,200	.17	141,900	.16	34,600	.17	67,500
		145.Bakersfield	149,900	.17	154,400	.16	149,800	.17	36,200	.18	70,700
		146.Odessa-Midland	148,100	.16	151,700	.16	146,200	.17	35,500	.18	71,700
		147.Rochester-Mason City-Austin	142,600	.16	145,700	.15	129,800	.15	31,000	.16	52,600
		148.Minot-Bismarck-Dickinson	139,600	.16	142,000	.16	141,500	.16	34,500	.17	64,300
		149.Wilmington	139,200	.15	147,900	.16	130,900	.15	35,000	.18	62,200
		150.Lubbock	135,300	.15	143,100	.16	135,300	.16	33,300	.17	62,900
		Markets 141-150	1,461,400	1.63	1,518,100	1.60	1,407,100	1.63	337,800	1.70	622,400
		Cumulative Total	85,990,300	95.53	90,377,600	95.54	82,267,900	95.54	19,004,800	95.37	33,068,600
		151.Columbia-Jefferson City	131,300	.15	144,600	.15	137,600	.16	28,200	.14	48,700
		152.Medford	130,900	.15	129,400	.14	125,000	.15	26,800	.13	49,200
		153.Albany, GA	129,300	.14	143,100	.15	123,000	.14	36,000	.18	65,800
		154.Quincy-Hannibal	121,600	.14	128,400	.14	114,700	.13	25,100	.13	46,400
		155.Sarasota	118,200	.13	120,500	.13	98,900	.11	14,600	.07	21,400
		156.Abilene-Sweetwater	116,500	.13	125,300	.13	110,900	.13	23,600	.12	45,000
		157.Bangor	114,100	.13	120,700	.13	112,000	.13	26,900	.14	45,300
		158.Biloxi-Gulfport-Pascagoula	110,500	.12	110,900	.12	110,600	.13	28,800	.14	52,600
		159.Dothan	106,000	.12	111,300	.12	102,100	.12	25,600	.13	46,700
		160.Idaho Falls-Pocatello	102,500	.11	105,200	.11	103,900	.12	27,400	.14	63,200
		Markets 151-160	1,180,900	1.32	1,239,400	1.32	1,368,700	1.32	263,000	1.32	481,300
		Cumulative Total	87,171,200	96.85	91,617,000	96.86	83,406,600	96.86	19,267,800	96.69	33,549,900
		161.Utica	101,700	.11	113,600	.12	100,000	.12	24,100	.12	38,300
		162.Clarksburg-Weston	94,000	.10	98,100	.10	88,500	.10	20,500	.10	36,900
		163.Salisbury	90,600	.10	98,000	.10	87,000	.10	20,300	.10	31,900
		164.Billings-Hardin	90,500	.10	89,000	.09	85,500	.10	19,900	.10	37,300
		165.Laurel-Hattiesburg	90,200	.10	97,100	.10	84,800	.10	22,000	.11	41,000
		166.Alexandria, LA	87,600	.10	93,500	.10	90,900	.11	23,100	.12	41,900
		167.Gainesville	84,900	.09	86,300	.09	85,400	.10	15,700	.08	28,400
		168.Rapid City	84,300	.09	82,600	.09	83,200	.10	19,600	.10	37,900
		169.Elmira	83,800	.09	88,900	.10	80,500	.19	20,700	.10	33,000
		170.Greenwood-Greenville	80,900	.09	90,800	.10	76,700	.09	25,200	.13	47,000
		Markets 161-170	888,500	.97	937,900	.98	862,500	1.01	211,100	1.06	373,600
		Cumulative Total	88,059,700	97.82	92,554,900	97.84	84,269,100	97.87	19,478,900	97.75	33,923,500
		171.Panama City	79,600	.09	80,500	.09	74,100	.09	18,100	.09	31,300
		172.Watertown-Carhage	78,900	.09	87,600	.09	80,200	.09	21,700	.11	35,200
		173.Lake Charles	75,700	.08	78,700	.08	73,900	.09	19,700	.10	35,100
		174.Missoula	75,500	.08	71,700	.08	69,900	.08	15,900	.08	28,100
		175.Ardmore-Ada	74,400	.08	78,900	.08	70,500	.08	15,700	.08	28,100
		176.Jonesboro	68,500	.08	73,200	.08	65,500	.08	15,500	.08	25,800
		177.Meridian	66,700	.07	71,400	.08	62,100	.07	15,800	.08	31,300
		178.Palm Springs	66,200	.07	71,000	.08	65,700	.08	15,300	.08	29,000
		179.Grand Junction-Durango	64,600	.07	65,400	.07	63,300	.07	13,800	.07	25,600
		180.Jackson, TN	63,000	.07	66,900	.07	58,100	.07	13,600	.07	24,500
		Markets 171-180	713,100	.78	745,300	.80	683,300	.80	165,100	.84	294,000
		Cumulative Total	88,772,800	98.60	93,300,200	98.64	84,952,400	98.67	19,644,000	98.59	34,217,500
		181.El Centro-Yuma	62,500	.07	65,300	.07	66,200	.08	17,700	.09	33,700
		182.Great Falls	60,400	.07	58,700	.06	57,300	.07	14,000	.07	25,000
		183.Parkersburg	58,800	.07	61,000	.06	53,800	.06	13,000	.07	23,000
		184.Marquette	55,400	.06	57,200	.06	60,300	.07	12,000	.06	21,900
		185.Tuscaloosa	53,400	.06	56,700	.06	51,700	.06	11,100	.06	21,000
		186.Cheyenne-Scottsbluff-Sterling	52,400	.06	50,700	.05	48,900	.06	11,000	.06	20,600
		187.Eureka	51,400	.06	50,000	.05	49,900	.06	8,900	.04	17,600
		188.Butte	48,300	.05	47,400	.05	48,300	.06	10,000	.05	17,400
		189.St. Joseph	47,800	.05	51,600	.05	44,400	.05	9,800	.05	16,700
		190.San Angelo	47,700	.05	52,300	.06	47,200	.05	10,400	.05	19,300
		Markets 181-190	538,100	.60	550,900	.57	528,000	.62	117,900	.60	216,200
		Cumulative Total	89,310,900	99.20	93,851,100	99.21	85,480,400	99.29	19,761,900	99.19	34,433,700



Source: Television Digest Cable and Station Atlas (1988)

SETTLING DEVOTIONAL CLAIMANTS
 REBUTTAL EXHIBIT NO. R-14

SETTLING DEVOTIONAL CLAIMANTS
Rebuttal Exhibit R-15

REBUTTAL TESTIMONY OF ANN K. FORD

I am a partner in the law firm of Fisher, Wayland, Cooper and Leader and am a member of the bars of the District of Columbia, New York and the Patent, Trademark and Copyright Section of the American Bar Association. I have been practicing copyright law for over eight years. I have substantial familiarity with copyright statutes and caselaw and consider myself an expert in the field.

I have reviewed the portion of the direct testimony of Robert Kennedy on behalf of Christian Television Corporation ("CTC") which concerns CTC's satellite distribution of its programs in 1987. Based on that testimony, it is my opinion that CTC abandoned its copyrights in its programs. I therefore do not understand why CTC should be entitled to any award from the Tribunal for 1987.

It is well established that an author or proprietor may "abandon" its copyright by taking overt action which manifests its purpose to surrender its rights in the work and to allow the public to copy it. National Comics Publications v. Fawcett Publications, 191 F.2d 594 (2d Cir. 1951) (Learned Hand, J.). For example, in Bell v. Combined Registry, 397 F. Supp. 1241 (N.D.Ill. 1975), the court held that an author had abandoned his

copyright in a poem by sending it out in his Christmas cards and authorizing a psychiatrist to distribute the poem widely as a "gift" to patients. In Stuff v. E.C. Publications, Inc., 342 F.2d 143 (2d Cir.), cert. denied, 382 U.S. 822 (1965), the Second Circuit held that the holder of a copyright on a caricature had abandoned the copyright by acquiescing in wide circulation of the cartoon. And in Hayden v. Chalfont Press, Inc., 177 S. Supp. 303 (S.D. Calif. 1959), the court held that a proprietor had knowingly acquiesced in the reproduction and circulation of copyrighted maps and was therefore estopped from enforcing the copyright.

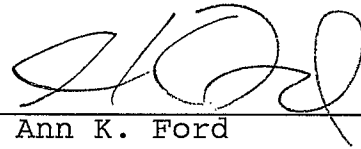
Mr. Kennedy testified: "We send [our programs] up on the satellite so people can benefit..." (Tr. 177). He also testified in response to Chairman Aguero that CTC exercised "no control" over who picked up its programs off the satellite (Tr. 178).^{1/} In my opinion, Mr. Kennedy's testimony is an admission that CTC made a gift of its programs to the public. And just as in Bell, this means that CTC abandoned its copyright. The Tribunal should therefore not make any award to CTC.^{2/}

^{1/} By contrast, I have personal knowledge that CBN enters into specific, detailed programming agreements with all stations that broadcast its programs

^{2/} For the sake of completeness, I should note that I do not understand Mr. Kennedy's argument that CTC is "harmed" by "loss of control" of its programs through distant carriage. The testimony cited above is an admission that CTC had "no control" of any distribution -- distant carriage surely couldn't cause "loss" of control that CTC never had.

DECLARATION

I, Ann K. Ford, declare under penalty of perjury that the foregoing rebuttal testimony for the Settling Devotional Claimants is true and correct to the best of my knowledge and belief.



Ann K. Ford

CERTIFICATE OF SERVICE

I, Sybil Gaines, do hereby certify that a copy of the foregoing "REBUTTAL CASE OF THE SETTLING DEVOTIONAL CLAIMANTS" was mailed first-class mail, postage prepaid, on this 17th day of November, 1989, to the following:

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Sybil Gaines

*Via Federal Express